



General Assembly

February Session, 2016

Raised Bill No. 5273

LCO No. 1255

* _____HB05273JUD____033016_____*

Referred to Committee on PUBLIC SAFETY AND
SECURITY

Introduced by:
(PS)

AN ACT CONCERNING THE PENALTY FOR ASSAULT OF AN OFF-DUTY POLICE OFFICER.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the 2016 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2016*):

4 (a) A person is guilty of assault of public safety, emergency medical,
5 public transit or health care personnel when, with intent to prevent a
6 reasonably identifiable peace officer, special policeman appointed
7 under section 29-18b, motor vehicle inspector designated under section
8 14-8 and certified pursuant to section 7-294d, firefighter or employee of
9 an emergency medical service organization, as defined in section 53a-3,
10 emergency room physician or nurse, health care employee as defined
11 in section 19a-490q, employee of the Department of Correction,
12 member or employee of the Board of Pardons and Paroles, probation
13 officer, employee of the Judicial Branch assigned to provide pretrial
14 secure detention and programming services to juveniles accused of the
15 commission of a delinquent act, liquor control agent, state or

16 municipal animal control officer, security officer, employee of the
 17 Department of Children and Families assigned to provide direct
 18 services to children and youths in the care or custody of the
 19 department, employee of a municipal police department assigned to
 20 provide security at the police department's lockup and holding facility,
 21 active individual member of a volunteer canine search and rescue
 22 team, as defined in section 5-249, or public transit employee from
 23 performing his or her duties, and while such peace officer, special
 24 policeman, motor vehicle inspector, firefighter, employee, physician,
 25 nurse, health care employee, member, liquor control agent, animal
 26 control officer, security officer, probation officer or active individual
 27 member is acting in the performance of his or her duties and, with
 28 respect to a reasonably identifiable peace officer who is a member of
 29 the Division of State Police within the Department of Emergency
 30 Services and Public Protection or an organized local police
 31 department, while such peace officer is off duty, provided such peace
 32 officer was not the initial aggressor, (1) such person causes physical
 33 injury to such peace officer, special policeman, motor vehicle inspector,
 34 firefighter, employee, physician, nurse, member, liquor control agent,
 35 animal control officer, security officer, probation officer or active
 36 individual member, or (2) such person throws or hurls, or causes to be
 37 thrown or hurled, any rock, bottle, can or other article, object or missile
 38 of any kind capable of causing physical harm, damage or injury, at
 39 such peace officer, special policeman, motor vehicle inspector,
 40 firefighter, employee, physician, nurse, member, liquor control agent,
 41 animal control officer, security officer, probation officer or active
 42 individual member, or (3) such person uses or causes to be used any
 43 mace, tear gas or any like or similar deleterious agent against such
 44 peace officer, special policeman, motor vehicle inspector, firefighter,
 45 employee, physician, nurse, member, liquor control agent, animal
 46 control officer, security officer, probation officer or active individual
 47 member, or (4) such person throws or hurls, or causes to be thrown or
 48 hurled, any paint, dye or other like or similar staining, discoloring or
 49 coloring agent or any type of offensive or noxious liquid, agent or
 50 substance at such peace officer, special policeman, motor vehicle

51 inspector, firefighter, employee, physician, nurse, member, liquor
52 control agent, animal control officer, security officer, probation officer
53 or active individual member, or (5) such person throws or hurls, or
54 causes to be thrown or hurled, any bodily fluid including, but not
55 limited to, urine, feces, blood or saliva at such peace officer, special
56 policeman, motor vehicle inspector, firefighter, employee, physician,
57 nurse, member, liquor control agent, animal control officer, security
58 officer, probation officer or active individual member. For the
59 purposes of this section, "public transit employee" means a person
60 employed by the state, a political subdivision of the state, a transit
61 district formed under chapter 103a or a person with whom the
62 Commissioner of Transportation has contracted in accordance with
63 section 13b-34 to provide transportation services who operates a
64 vehicle or vessel providing public ferry service or fixed route bus
65 service or performs duties directly related to the operation of such
66 vehicle or vessel, or who, as part of the provision of public rail service,
67 is a train operator, conductor, inspector, signal person or station agent
68 and "security officer" has the same meaning as provided in section 29-
69 152u.

70 (b) Assault of public safety, emergency medical, public transit or
71 health care personnel is a class C felony. If any person who is confined
72 in an institution or facility of the Department of Correction is
73 sentenced to a term of imprisonment for assault of an employee of the
74 Department of Correction under this section, such term shall run
75 consecutively to the term for which the person was serving at the time
76 of the assault.

77 (c) In any prosecution under this section involving assault of a
78 health care employee, as defined in section 19a-490q, it shall be a
79 defense that the defendant is a person with a disability as described in
80 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
81 conduct was a clear and direct manifestation of the disability.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2016</i>	53a-167c
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PS *Joint Favorable C/R* JUD

JUD *Joint Favorable*